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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
**Federal Communications Commission**

Washington, D.C. 20554

In re Applications of	)	MM DOCKET NO. <u>93-300</u>
STEPHEN O. MEREDITH	)	File No. BPH-920430MD
AL HAZELTON	)	File No. BPH-920430ME
For a Construction Permit for	)	
a New FM Station on Channel 243C1	)	
at Audubon, Iowa	)	

To: Honorable John M. Frysiak  
Administrative Law Judge

**MOTION TO ENLARGE ISSUES AGAINST AL HAZELTON**

Stephen O. Meredith ("Meredith"), by and through counsel, and pursuant to §1.229 of the Commission's rules (47 C.F.R. §1.229), hereby submits his "Motion To Enlarge Issues" seeking the addition of false certification and misrepresentation issues against Al Hazelton ("Hazelton") in the above-captioned proceeding.<sup>1</sup> In support whereof, the following is shown:

**BACKGROUND**

1. On April 30, 1992, Hazelton filed his Audubon application with the Commission. A review of his application (FCC Form 301) reveals that he signed it on April 28, 1992. See Exhibit A.<sup>2</sup> Mr. Hazelton's Broadcast Equal Employment Opportunity Model Program Report (FCC Form 396-A), attached to

<sup>1</sup> The Hearing Designation Order, DA 93-1392, ("HDO") in this proceeding was released on December 14, 1993. Since this Motion To Enlarge Issues is being filed within thirty days of the release of the HDO, it is timely filed pursuant to §1.229(b)(1) of the rules.

<sup>2</sup> The date notation "April 28, 1992" is typed on the signature page.

No. of Copies rec'd  
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his application, was also dated April 28, 1992.<sup>3</sup>

2. While the application represents that Hazelton signed these documents on April 28, 1992, the engineering portion (FCC Form 301, page 18) of his application was not executed until the following day - April 29, 1992. The signature page of the engineering portion of Hazelton's application bears the signature of "Donald L. Markley - Consulting Engineer" and the handwritten date of "April 29, 1992." Markley's "affidavit"<sup>4</sup> of his qualifications bears the notation "subscribed and sworn to before me this 29th day of April, 1992."

#### **ARGUMENT**

##### **Hazelton's Certification Was False**

3. The above facts show that, at the time he signed his Audubon application, Hazelton had not reviewed an executed copy of the engineering portion of his application. The one day delay between the date appearing on his own signature pages and the date appearing in the engineering portions of his application show unmistakably that Hazelton signed his application before the engineering portion was in existence. Since Hazelton signed an incomplete application, it was impossible for him to attest to the accuracy of his application. The certification, contained in his application, that "the statements in this application are true and correct to the best of my knowledge and belief, and are

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<sup>3</sup> The date on this document is also typewritten "Signed and dated this 28 day of April, 1992."

<sup>4</sup> No notary jurat appears on Markley's "affidavit."

made in good faith," was therefore false.

4. The Commission has previously considered the situation where an applicant signs his or her application before reviewing all of the information contained therein. In such a case, issues are added to determine whether the applicant's certification was false, and what effect such a finding would have on the applicant's basic qualifications. For example, in Triangle Broadcasting Co., 49 RR 2d 1601, 1602 (ALJ 1981), issues were added against an applicant whose principal signed the application without a copy of the engineering portion of the application before him. In Post-Newsweek Stations, Florida, Inc., 34 RR 2d 676 (Rev. Bd. 1975), the principal responsible for signing the application did so prior to the time that certain exhibits contained therein were completed. The Review Board, in adding false certification issues against the application, found that the applicant's signature "was to an incomplete application which, at minimum, did not contain the programming exhibit, which appears to have been prepared some time thereafter." Post-Newsweek, 34 RR 2d at 679.

5. In this case, the evidence indicates that Hazelton signed an incomplete application which did not contain an executed copy of his engineering data which was apparently completed the next day. Therefore, at the time he signed his application, Hazelton was certifying to the accuracy of a document that was not yet in existence. Hazelton's certification was false, for as the Review Board has noted, "[n]o one can swear

to an event which has not yet transpired, or to material which is not yet in existence." Post-Newsweek, 34 RR 2d at 680, citing, Johnston Broadcasting v. FCC, 175 F. 2d 351, 354 (D.C. Cir. 1949). A false statement contained in a document submitted to the Commission is a clear violation of §1.17 of the Commission's rules.

6. Hazelton's actions cannot be excused, even if it is shown that he signed and dated his application and subsequently reviewed the engineering the following day. See, Post-Newsweek, 34 RR 2d at 680. "The Commission has long held that: 'no material [may] be added to an application once it has been signed by the licensee...unless the application is thereafter redated, resigned, and reverified." Post-Newsweek, 34 RR 2d at 680, citing, WMOZ, Inc., 36 FCC 201, 218 (1964). Therefore, the conflicting dates contained in Hazelton's application point to one conclusion - that he signed and dated an incomplete application and that his certification was false.

7. The Commission demands the utmost honesty from applicants and must be able to rely on the representations of those who come before it seeking licenses. See, WOKO, Inc., 329 U.S. 223 (1946); and Nick J. Chaconas, 28 FCC 2d 231, 233 (1971). Any authorization obtained under circumstances of misrepresentation undermines the Commission's licensing process. See, Richard Bott, II, 8 FCC Rcd 4074, 4076 (1993). Therefore, the Commission will not tolerate misrepresentations made by an applicant and any such misrepresentations will form the basis for

disqualification of that applicant. Washington Christian Television Outreach, Inc., 99 FCC 2d 395, 398-402 (Rev. Bd. 1984); and Policy Statement on Character, 102 FCC 2d 1179, 1210-11 (1986) (subsequent history omitted). The facts in this case raise the serious question of whether Hazelton knowingly submitted a false certification in his application to the Commission and whether such conduct would affect his to basic character qualifications.

#### CONCLUSION

8. The above-referenced facts raise a "substantial and material question of fact" that should be fully considered at hearing. See §1.229 of the rules. Only with the addition of special issues can all of the facts and circumstances surrounding Hazelton's signing of his Audubon application be revealed and a clear determination made as to whether Hazelton's certification was false. Therefore, Meredith respectfully requests that the issues in this proceeding be enlarged to consider the following issues against Hazelton:

- a. To determine whether the application of Hazelton was properly certified and executed in accordance with FCC requirements;
- b. To determine whether Hazelton made a misrepresentation to the Commission with respect to the certification contained in his application; and
- c. To determine in light of the evidence adduced with respect to the foregoing issues whether Hazelton possesses the requisite character qualifications to be a Commission licensee.

9. Should the above-referenced issues be added, then Meredith requests that Hazelton be ordered to produce the following documents:

**Additional Document Production Request**

**Definitions**

- a. The term "Document" means the copies of the original and any nonidentical copy and/or amendment thereof, of any letter, memorandum, report, handwritten note, working papers, summary of data, data compilation sheet, interview report, record, bill, receipt, cancelled check, order, audio and/or video, or video recording, or any other handwritten, typed, printed or graphic materials, data, data base or computer file or computer generated output of any form to which Mr. Hazelton or any of his agents or representatives have access. Copies of documents already on file at the Commission need not be produced, but must be identified.
- b. The term "representative" or "agent" includes, but is not limited to, present and former legal counsel, engineering and all other consultants, accountants, employees or agents.
- c. "Or" means "and/or."
- d. "Relating to" or "related to" mean whether the requested document constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any way pertinent to the specified subject, including documents concerning the preparation of other documents.
- e. "Application" means the Application For Construction Permit (File No. BPH-920430ME) filed by Al Hazelton for authority to construct a new FM station on Channel 243C1 at Audubon, Iowa.

**Documents Requested**

- a. Any and all documents related to the preparation of any portion of Hazelton's application, including, but not limited to, copies of any drafts of any portion of the application and notes or memoranda concerning the preparation of any portion of the application.

- b. Any and all documents related to correspondence to and from Hazelton and any of his representatives concerning the preparation and ultimate filing of his application, including, but not limited to, any facsimile cover sheets, overnight courier airbills, or any other documents which contain dated material that evidence when and where Hazelton's application or any portion thereof was prepared or executed.
- c. Any and all documents that would evidence discussions held between Hazelton and his representatives concerning the preparation and ultimate filing of his application, including, but not limited to, notes, messages or other memoranda.

#### Instructions

It is respectfully requested that the documents requested in this document be delivered to Gary S. Smithwick, Esq., counsel to Stephen O. Meredith, at 1900 M Street, N.W., Suite 510, Washington, DC, no later than 10 days following the release of the Judge's order adding the requested issues.

10. Additionally, should the above-referenced issues be added, then Meredith hereby states that he intends to take the depositions of Hazelton, as well as his consulting engineer, Donald L. Markley, on the matters related to the added issues.

11. Finally, should it be found that Hazelton's certification was false, the Commission should consider the imposition of a forfeiture of up to \$250,000. See §1.229(f). The fact that Hazelton may have made a misrepresentation in a Commission filing raises the question of whether he has violated §1.17 of the rules which prohibits applicants from making "any misrepresentation or willful material omission" in documents submitted to the Commission. Under the Commission's revised standards for forfeitures, the base forfeiture amount is \$20,000 for a single act of misrepresentation. See, Policy Statement

(Standards For Assessing Forfeitures), 8 FCC Rcd 6215, 6216  
(1993).

WHEREFORE, the above-facts considered, Stephen O. Meredith respectfully requests that the issues in this proceeding be enlarged against Al Hazelton, as outlined herein.

Respectfully submitted,

STEPHEN O. MEREDITH

By: 

Gary S. Smithwick  
Shaun A. Maher

His Attorneys

SMITHWICK & BELENDIUK, P.C.  
1990 M Street, N.W.  
Suite 510  
Washington, D.C. 20036  
(202) 785-2800

January 13, 1994

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**EXHIBIT A**

Approved by OMB  
3060-0440  
Expires 2/28/93

FEDERAL COMMUNICATIONS COMMISSION  
**FEE PROCESSING FORM**

FOR  
FCC  
USE  
ONLY

FCC/MELLON APR 30 1992

Duplicate

239

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

**SECTION I**

APPLICANT NAME (Last, first, middle initial)

Hazelton, Al

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)

304 Durant

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY

Harlan

STATE OR COUNTRY (if foreign address)

Iowa

ZIP CODE

51537

CALL SIGN

OTHER FCC IDENTIFIER

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)

(B)

(C)

(1)

FEE TYPE CODE

M T R

FEE MULTIPLE  
(if required)

FEE DUE FOR FEE TYPE  
CODE IN COLUMN (A)

\$ 2,030.00

FOR FCC USE ONLY

**SECTION II** — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)

FEE TYPE CODE

(B)

FEE MULTIPLE  
(if required)

(C)

FEE DUE FOR FEE TYPE  
CODE IN COLUMN (A)

FOR FCC USE ONLY

(2)

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\$

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(3)

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(4)

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\$

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(5)

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\$

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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED  
WITH THIS APPLICATION  
OR FILING

\$ 2,030.00

FOR FCC USE ONLY

30 20 3

# SEMMES, BOWEN & SEMMES

ATTORNEYS AT LAW

SUITE 500

1025 CONNECTICUT AVENUE, N.W.  
WASHINGTON, D. C. 20036

TELEPHONE 202-822-8250

FACSIMILE 202-822-8258

CABLE TREVLA

TELEX 87-478

P. O. BOX 6705  
401 WASHINGTON AVE.  
TOWSON, MARYLAND 21285  
TELEPHONE 301-298-4400  
FACSIMILE 301-298-8016

250 WEST PRATT STREET  
BALTIMORE, MARYLAND 21201  
TELEPHONE 301-539-5040  
FACSIMILE 301-539-5223

BARRY A. FRIEDMAN  
PARTNER

April 30, 1992

PLEASE REPLY TO  
WASHINGTON, D. C. OFFICE

Federal Communications Commission  
Mass Media Services  
P.O. Box 358195  
Pittsburgh, Pennsylvania 15251-5195

Re: Al Hazelton  
Applicant for New FM Radio Station  
Channel 243C1 at Audubon, Iowa

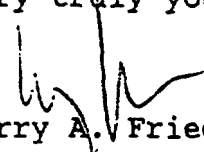
Dear Sir:

Transmitted herewith, in triplicate, on behalf of Al Hazelton, is an application on FCC Form 301. The application requests that the Commission grant a construction permit for a new FM radio station on Channel 243C1 at Audubon, Iowa.

Also enclosed is a check in the amount of \$2,030.00 for the required filing fee.

Should there be any questions concerning this matter, please communicate with the undersigned.

Very truly yours,

  
Barry A. Friedman

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only
	FEE TYPE	Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	FEE AMT:	If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	ID SEQ:	FOR COMMISSION USE ONLY FILE NO. <u>BPH-920430ME</u>

Section I - GENERAL INFORMATION

1. Name of Applicant  AL HAZELTON			Send notices and communications to the following person at the address below: Name Barry A. Friedman Semmes, Bowen & Semmes		
Street Address or P.O. Box 304 Durant			Street Address or P.O. Box 1025 Connecticut Avenue, NW		
City Harlan	State IA	ZIP Code 51537	City Washington	State DC	ZIP Code 20036
Telephone No. (Include Area Code) (712) 243-3920			Telephone No. (Include Area Code) (202) 822-8250		

2 This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 243C1	(b) Principal Community Audubon	City Audubon	State IA
---------------------------------------	------------------------------------	-----------------	-------------

(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: \_\_\_\_\_

☐ MINOR change in licensed facilities; call sign: \_\_\_\_\_

☐ MAJOR modification of construction permit; call sign: \_\_\_\_\_

File No. of construction permit: \_\_\_\_\_

☐ MINOR modification of construction permit; call sign: \_\_\_\_\_

File No. of construction permit: \_\_\_\_\_

☐ AMENDMENT to pending application; Application file number: \_\_\_\_\_

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

Al Hazelton

1. Applicant is: (check one box below)

- ☒ Individual      ☐ General partnership      ☐ For-profit corporation  
☐ Other      ☐ Limited partnership      ☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.

Not Applicable

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Not Applicable

Date \_\_\_\_\_ Place \_\_\_\_\_

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or adventures?

☐ Yes ☒ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

☐ Yes ☐ No

Not Applicable

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-31), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☐ No

Not Applicable

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☐ No

# Section 11 - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

2. Citizenship.

3. Office or directorship held.

4. Number of shares or nature of partnership interests.

5. Number of votes.

6. Percentage of votes.

7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

1.	Al Hazelton 394 Durant Harlan, IA 51537		
2.	USA		
3.	N/A		
	N/A		
5.	N/A		
6.	N/A		
7.	Applicant is President and 15.4% shareholder of Wireless Communications Corp., licensee of Station KJAN(AM), Atlantic, IA		
8.	N/A		

Section 11 - LEGAL QUALIFICATIONS (Page 3)

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☒ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.  
1

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.  
5

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

Section 11 - LEGAL QUALIFICATIONS (Page 4)

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

11. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction C to Section 11.)

☐ Yes ☒ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.

12. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.



SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. ☒ Yes ☐ No
2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue. \$ 600,000.00
3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Whitney Bank & Trust 223 Chestnut Street Atlantic, Iowa 50022  Contact: Frank Greiner Executive Vice President	(712) 243-3195	Bank	\$650,000.00

**Section IV-A - PROGRAM SERVICE STATEMENT**

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.  
2

**Section IV-B - INTEGRATION STATEMENT**

Attach as an Exhibit the information required in 1. and 2. below.

Exhibit No.  
3

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.

2. State with respect to each principal identified in response to Item 1. above, whether the applicant will claim qualitative credit for any of the following enhancement factors:

(a) Minority Status

(b) Past Local Residence

If Yes, specify whether in the community of license or service area and the corresponding dates.

(c) Female Status

(d) Broadcast Experience

If Yes, list each employer and position and corresponding dates.

(e) Daytime Preference

# Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. \_\_\_\_\_

ASB Referral Date \_\_\_\_\_

Referred by \_\_\_\_\_

Name of Applicant

Al Hazelton

Call letters (if issued)

Is this application being filed in response to a window? ☒ Yes ☐ No

If Yes, specify closing date: April 30, 1992

Purpose of Application: (check appropriate box(es))

☒ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☐ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting-structure height

☐ Effective radiated power

☐ Antenna height above average terrain

☐ Frequency

☐ Antenna location

☐ Class

☐ Main Studio location

☐ Other (Summarize briefly)

File Number(s) \_\_\_\_\_

## 1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
243	Audubon	Audubon	IA

Class (check only one box below)

☐ A ☐ B1 ☐ B ☐ C3

☐ C2 ☒ C1 ☐ C

## 2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. 3.5 miles West of Anita, 1.5 miles East of County N28, 2.5 miles North of US Route 6 in Cass County, Iowa.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	41	27	15	Longitude	94	50	33
----------	----	----	----	-----------	----	----	----

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both.

DNA

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

DNA

4. Does the application propose to correct previous site coordinates?  
If Yes, list old coordinates.

☒ Yes ☐ No

Latitude	Longitude
----------	-----------

5. Has the FAA been notified of the proposed construction?

☒ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.  
E-1

Date April 27, 1992 Office where filed Central Region  
Kansas City, MO.

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

Landing Area	Distance (km)	Bearing (degrees True)
(a) <u>Anita Mun. Airport</u>	<u>6.3</u>	<u>105°</u>
(b) _____	_____	_____

- (a) Elevation: (to the nearest meter)

(1) of site above mean sea level: 427 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 278 meters

(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 705 meters

- (b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground 265 meters (H)

265 meters (V)

(2) above mean sea level [(aX1) + (bX1)] 692 meters (H)

692 meters (V)

(3) above average terrain 299 meters (H)

299 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.  
E-2

9. Effective Radiated Power:

(a) ERP in the horizontal plane

100.0 kw (H) 100.0 kw (V)

(b) Is beam tilt proposed?

☒ Yes ☐ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

100.0 kw (H) 100.0 kw (V)

Exhibit No.  
E-3

-Polarization

10. Is a directional antenna proposed?

☒ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.  
E-3

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 316 mV/m service.

Exhibit No.  
DNA

12. Will the main studio be within the protected 316 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.  
DNA

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☐ Yes ☒ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?

☐ Yes ☒ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.  
DNA

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.  
E-7

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.  
E-4

(1) Protected and interfering contours in all directions (360°), for the proposed operation.

(2) Protected and interfering contours over pertinent areas of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.

(3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.

(4) A scale of kilometers and properly labeled longitude and latitude lines shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.

(5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☐ Yes ☒ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.215(b), 73.218(a) and 73.218.)

Exhibit No.  
DNA

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V. The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.  
E-5

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
E-6

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 616 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

Specify area in square kilometers (1 sq. mi. = 259 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 16,300 sq. km.

Population 139,444

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
DNA

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 30-second database

☐ 7.5 minute topographic map

(Source: NGDC)

☐ Other *(briefly summarize)*

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 8 to 16 km (meters)	Predicted Distances	
		To the 0.35 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
345	302.2	49.5	71.4
0	292.0	49.5	71.5
45	291.1	49.5	71.4
90	284.2	49.0	70.9
135	287.3	49.2	71.1
180	301.8	50.1	72.2
225	309.2	50.6	72.8
270	319.5	51.3	73.7
315	306.7	49.5	71.6

\*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules such that it may have a significant environmental impact? ☐ Yes ☒ No

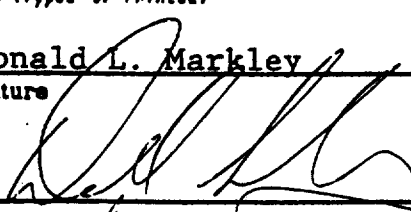
If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.  
DNA

If No, explain briefly why not. The proposed facility complies fully with the requirements of §1.1306 and §1.1307 as modified by General Docket 79-163. See attached non-ionizing radiation study.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed)	Relationship to Applicant (e.g., Consulting Engineer)
Donald L. Markley	Consulting Engineer
Signature	Address (Include ZIP Code)
	D.L. Markley & Associates, Inc. 2104 West Moss Peoria, Illinois 61604
Date	Telephone No. (Include Area Code)
April 29, 1992	(309) 673-7511

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

☒ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 898-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3560?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted Mr. Glen R. Smith

Telephone No. (include area code) (712) 243-4444

Person contacted: (check one box below)

☒ Owner ☐ Owner's Agent ☐ Other (specify)

(Mr. Smith is a General Partner of the Partnership owning the property)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.


In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.



SECTION VII - CERTIFICATION (Page 5)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Al Hazelton	Signature By 
Date April 28, 1992	Title Individual Applicant

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT  
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 113 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.